

Edward J. Wynne (SBN 165819)  
ewynne@wynnelawfirm.com  
 WYNNE LAW FIRM  
 100 Drakes Landing Road, Ste. 275  
 Greenbrae, CA 94904  
 Telephone: (415) 461-6400  
 Facsimile: (415) 461-3900

David S. Markun (SBN 108067)  
dmarkun@mzclaw.com  
 Jeffrey K. Compton (SBN 142969)  
jcompton@mzclaw.com  
 MARKUN ZUSMAN & COMPTON LLP  
 17383 Sunset Boulevard, Suite A380  
 Pacific Palisades, California 90272  
 Telephone: (310) 454-5900  
 Facsimile: (310) 454-5970

Attorneys for Plaintiffs Michael Alakozai and  
 Steven Pitts, individually and on behalf of all  
 others similarly situated

**UNITED STATES DISTRICT COURT**

**NORTHER DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

MICHAEL ALAKOZAI and STEVEN PITTS  
 individually and on behalf of all others  
 similarly situated,

Plaintiffs,

v.

CHASE INVESTMENT SERVICES CORP.,

Defendant.

Case No. 11-CV-03499-MMC

[CLASS ACTION]

**STIPULATION AND ~~PROPOSED~~  
 ORDER FOR FILING OF SECOND  
 AMENDED COMPLAINT**

WHEREAS, Plaintiffs MICHAEL ALAKOZAI and STEVEN PITTS (“Plaintiffs”) filed a  
 First Amended Complaint against Defendant CHASE INVESTMENT SERVICES CORP.  
 (“Defendant”) on August 3, 2011.

WHEREAS, Plaintiffs alleged federal diversity jurisdiction pursuant to the Class Action  
 Fairness Act, 28 U.S.C. § 1332(d).

WHEREAS, Plaintiffs alleged diversity of citizenship between Plaintiffs and Defendant and alleged that there are more than 100 persons covered by this action.

WHEREAS, Plaintiffs did not allege that the amount in controversy was over \$5,000,000.

WHEREAS, on September 8, 2011, the Court issued an Order to Show Cause Why Complaint Should Not Be Dismissed For Lack of Subject Matter Jurisdiction; Extending Time for Defendant To Respond To Complaint ("Order to Show Cause").

WHEREAS, the Order To Show Cause found that Plaintiffs had not alleged an amount in controversy to invoke federal diversity jurisdiction, ordered Plaintiff to respond by September 22, 2011, and extended the time for Defendant to respond to the First Amended Complaint to October 13, 2011.

WHEREAS, the parties have met and conferred and agreed that Plaintiffs should be permitted to plead an amount in controversy to invoke federal diversity jurisdiction pursuant to 28 U.S.C. § 1332(d) and file a Second Amended Complaint a copy of which is marked and attached hereto.

WHEREAS, the parties agree to the following:

# **STIPULATION**

1. Plaintiffs are permitted to amend the Complaint to plead an amount in controversy to invoke federal diversity jurisdiction pursuant to 28 U.S.C. § 1332(d).

2. The Court's execution of this proposed Order will constitute service of process of the [proposed] Second Amended Complaint on Defendant.

DATED: September 22, 2011

WYNNE LAW FIRM  
MARKUN ZUSMAN & COMPTON LLP

/S/  
By: Edward J. Wynne

Attorneys for Plaintiffs Michael Alakozai and  
Steven Pitts, individually and on behalf of all  
others similar situated

DATED: September 22, 2011

MORGAN, LEWIS & BOCKIUS LLP

/S/

By: Daryl S. Landy  
Attorneys for Defendant  
Chase Investment Services Corp.

**PROPOSED ORDER**

The Court having read and considered the parties' Stipulation, makes the following Order:


1. Plaintiffs are permitted to amend the Complaint to plead an amount in controversy to invoke federal diversity jurisdiction pursuant to 28 U.S.C. § 1332(d). The Court finds that Plaintiffs have adequately <sup>pled</sup> ~~plead~~ an amount in controversy to satisfy federal diversity jurisdiction.

2. The ~~[proposed]~~ Second Amended Complaint ~~attached hereto~~ shall be filed ~~and~~ by plaintiffs no later than October 7, 2011.  
~~imaged as a separate document by the Clerk of the Court.~~

3. ~~The Court's execution of this proposed Order will constitute service of process of the Second Amended Complaint on Defendant.~~ Defendant's response to the First Amended Complaint due October 13, 2011 is hereby vacated.

4. The Order to Show Cause is hereby discharged.

October  
Dated: ~~September~~ 3, 2011

  
MAXINE M. CHESNEY  
United States District Judge